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     UBER TECHNOLOGIES, INC.
16   and OTTOMOTTO LLC

17   UNITED STATES DISTRICT COURT

18   NORTHERN DISTRICT OF CALIFORNIA

                      SAN FRANCISCO DIVISION
19

20   WAYMO LLC, | Case No.   3:17-cv-00939-WHA

21   Plaintiff, | **DECLARATION OF DON BURNETTE
                                         | IN SUPPORT OF DEFENDANTS UBER
22   v. | TECHNOLOGIES, INC. AND
                                         | OTTOMOTTO LLC'S SUR-REPLY TO
23   UBER TECHNOLOGIES, INC., | WAYMO'S MOTION TO COMPEL
     OTTOMOTTO LLC; OTTO TRUCKING | UBER SOURCE CODE**
24   LLC,
                                         | Trial Date: December 4, 2017
25   Defendants.

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27   **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**
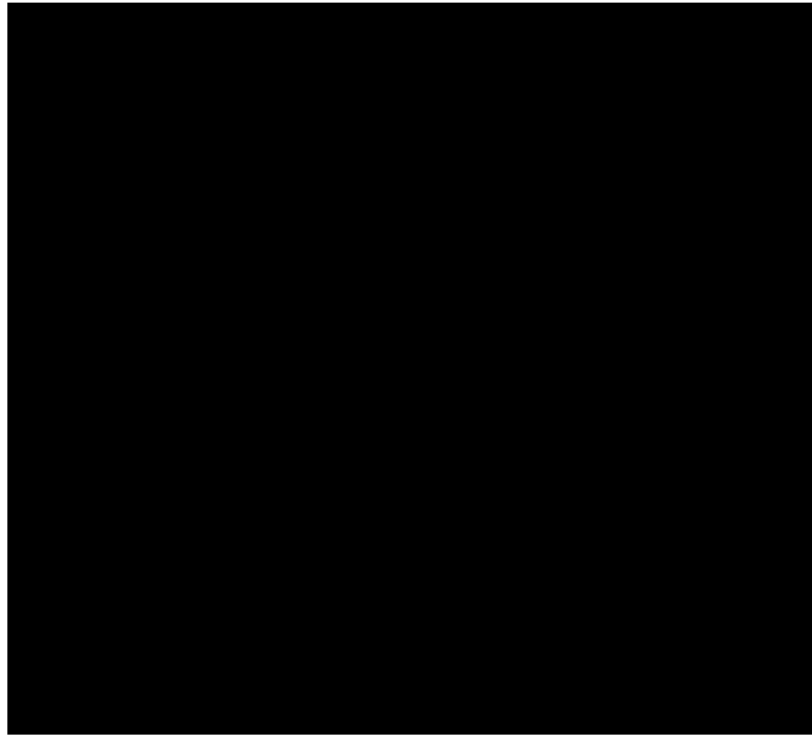
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1   I, Don Burnette, declare as follows:

2   1.   I am Autonomy Technical Lead for the Advanced Technologies Group at Uber

3   Technologies, Inc.. I understand that Waymo has filed a lawsuit against Uber, Ottomotto LLC,

4   and Otto Trucking LLC in the U.S. District Court for the Northern District of California. I submit

5   this supplemental declaration in support of Defendants' Sur-Reply to Waymo LLC's Motion to

6   Compel Uber Source Code. I have personal knowledge of the facts set forth in this declaration

7   and, if called to testify as a witness, could and would do so competently.

8   2.   At my deposition on October 13, 2017, I was shown two header files from an

9   image of the laptop I had provided to Stroz Friedberg in March 2016 as part of the due diligence

10   for the Ottomotto acquisition. These two files are attached as Exhibits A and B to this

11   declaration.

12   3.   At the time of my deposition, I did not recognize those files and did not remember

13   anything about them. After my deposition and upon further reflection, I recalled that I had typed

14   up those two header files after I left Google. After leaving Google and before starting at

15   Ottomotto, I had started thinking about how to build the Ottomotto motion planner and wrote

16   down in a header file (i.e., ▇▇▇▇▇▇▇▇) various class states and class controls that I was

17   considering (screenshot below). The other header file contained a header description of a

18   ▇▇▇▇▇▇▇▇. At the time of my deposition, it had been 18 months since I had last seen

19   those files.

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4.   These files did not become part of Ottomotto source code. Ottomotto source code did, however, ultimately use some of the same class states and class controls. For example, the Ottomotto Planner uses ███████ as controls (see excerpt of ███████ below).
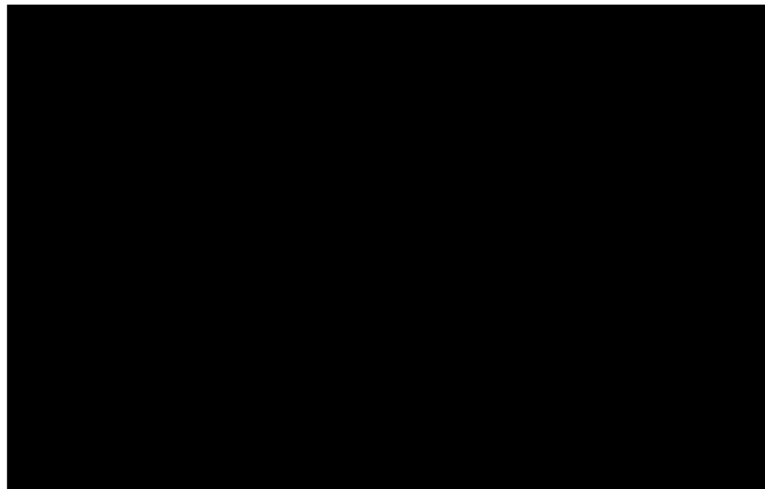
5. ███████ refers to the ███████ ████████████████. ███████ refers to the ██. As I explained in my deposition, ███████ are fundamental physical quantities that many motion

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planning systems use to define trajectory. For example, from an internet search, one can find a self-driving car software course offered by Udacity that teaches students to write path-planning software that controls for ████.[1] The term ████ was used by some engineers who had worked at Waymo to identify the concept of ████████████████████████. That concept is described in public references about motion planning. For example, "Planning Algorithms," a textbook published by the University of Illinois, discusses how in a robotically steered car, a "second integrator can be applied to make the steering angle a C^1 smooth function of time," using "u_a" to "denote the angular acceleration of the steering angle."[2]

I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of October, 2017 at San Francisco, California.

/s/ Don Burnette
DON BURNETTE

ATTESTATION OF E-FILED SIGNATURE

I, Michael A. Jacobs, am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Don Burnette has concurred in this filing.

Dated: October 15, 2017   _/s/ Michael A. Jacobs_
MICHAEL A. JACOBS

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[1] _See e.g._, https://medium.com/@mohankarthik/path-planning-in-highways-for-an-autonomous-vehicle-242b91e6387d.

[2] _See_ Ex. C, LaValle, Stephen M, PLANNING ALGORITHMS 744 (2006).

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